

## TEXAS WORKFORCE COMMISSION LETTER

<b>ID/No:</b>	WD 24-11, Change 1
<b>Date:</b>	January 17, 2018
<b>Keyword:</b>	All Programs
<b>Effective:</b>	Immediately

**To:** Local Workforce Development Board Executive Directors  
Commission Executive Offices  
Integrated Service Area Managers



**From:** Courtney Arbour, Director, Workforce Development Division

**Subject:** Reporting Negative Incidents Involving Texas Workforce System  
Customers—*Update*

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### **PURPOSE:**

To provide Local Workforce Development Boards (Boards) with updated information and guidance on reporting negative incidents involving Texas workforce system customers, specifically:

- examples of negative incidents;
- requirements for reporting negative incidents;
- updates about the reporting process and the reporting form; and
- incorporation by reference of the Risk and Security Management (RSM) Incident Reporting Procedures (RSM 3120.1).

This WD Letter changes the Texas Workforce Commission (TWC) department responsible for incident reporting from the Office of Investigations to RSM.

### **RESCISSIONS:**

WD Letter 24-11

### **BACKGROUND:**

In March 2010, the US Department of Labor (DOL) Employment and Training Administration completed a review of American Recovery and Reinvestment Act of 2009 funding received by TWC for use in providing Workforce Investment Act and Wagner-Peyser Employment Service activities. The review noted the need to provide Boards with guidance on a formal process for reporting negative incidents.

TWC has standardized the incident reporting form used by the agency and Local Workforce Development Boards. Additionally, the department that will process these reports is changing from the Regulatory Integrity Division to RSM.

## **PROCEDURES:**

**No Local Flexibility (NLF):** This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by “must” or “shall.”

**Local Flexibility (LF):** This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by “may” or “recommend.”

**NLF:** Boards must ensure that all negative incidents involving Texas workforce system customers are reported to RSM within two business days of the incident. More detailed procedures are contained in RSM’s Incident Reporting Procedures (RSM-3120.1)

### **Examples of Negative Incidents**

**NLF:** Boards must be aware that negative incidents include, but are not limited to, the following:

- Any incident that causes death or injury
- Physical assault
- Property crimes such as vandalism or theft
- Events requiring police involvement
- Inappropriate sexual behavior
- Any incident that could result in negative media attention
- Any breach or reasonably assumed breach of personally identifiable information

### **Reporting Negative Incidents**

**NLF:** Boards must ensure that, within two business days of a negative incident, appropriate staff:

- reports the incident using RSM-3120, Incident Report, available on the Intranet (which is not available to the public);
- provides relevant documentation; and
- sends the RSM-3120 and relevant documentation by e-mail to IncidentReports.RSM@twc.state.tx.us.

**NLF:** If the RSM-3120 and relevant documentation are e-mailed, Boards must ensure that:

- the e-mail is encrypted; and
- the subject line contains the Board name, type of report, and incident date—for example, “Gulf Coast—Participant Incident Report (mm/dd/yy).”

**NLF:** Additionally, Boards must submit updated information on a negative incident as it becomes available. This includes media material not available at the time of the first report and materials submitted later by individuals involved in or having information about the incident.

**NLF:** If an incident is considered urgent or has the potential for negative media attention, Boards must ensure that appropriate staff:

- immediately notifies RSM by calling (512) 475-3480; and
- sends the RSM-3120 to RSM by e-mail within two business days.

**ATTACHMENT:**

Attachment 1: Revisions to WD Letter 24-11 shown in Track Changes

**INQUIRIES:**

Send inquiries regarding this WD Letter to [wfpolicy.clarifications@twc.state.tx.us](mailto:wfpolicy.clarifications@twc.state.tx.us).

**REFERENCES:**

American Recovery and Reinvestment Act of 2009 (Public Law 111-5)

Wagner-Peyser Act of 1933, as amended

Workforce Investment Act of 1998 (Public Law 105-220)